



**State of New Jersey**  
GOVERNMENT RECORDS COUNCIL  
101 SOUTH BROAD STREET  
PO Box 819  
TRENTON, NJ 08625-0819

**JON S. CORZINE**  
*Governor*

**JOSEPH V. DORIA, JR.**  
*Commissioner*

**FINAL DECISION**

**March 25, 2009 Government Records Council Meeting**

Thomas Caggiano	Complaint Nos. 2006-211, -219 2007-
Complainant	24, -25, -26, -40, -43, -44, -45, -46, -47,
v.	-183, -184, -228, -229, -285, -289,
Borough of Stanhope (Sussex)	2008-105 (Consolidated)
Custodian of Record	

At the March 25, 2009 public meeting, the Government Records Council (“Council”) considered the March 18, 2009 Supplemental Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that the following cases should be dismissed based on Judge Dana’s December 3, 2008 Judgment: Thomas Caggiano v. Borough of Stanhope, GRC Complaint Nos. GRC Complaint Nos. 2006-211, -219; 2007-24, -25, -26, -40, -43, -44, -45, -46, -47, -183, -184, -228, -229, -285, -289, 2008-105.

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk’s Office, Hughes Justice Complex, 25 W. Market St., PO Box 006, Trenton, NJ 08625-0006. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.

Final Decision Rendered by the  
Government Records Council  
On The 25<sup>th</sup> Day of March, 2009

Robin Berg Tabakin, Chair  
Government Records Council



I attest the foregoing is a true and accurate record of the Government Records Council.

Janice L. Kovach  
Government Records Council

**Decision Distribution Date: March 30, 2009**

**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director  
March 25, 2009 Council Meeting**

**Thomas Caggiano<sup>1</sup>  
Complainant**

**GRC Complaint Nos. 2006-211, -219;  
2007-24, -25, -26, -40, -43, -44, -45, -46,  
-47,-183, -184, -228, -229, -285, -289,  
2008-105  
(Consolidated)**

**v.**

**Borough of Stanhope (Sussex)<sup>2</sup>  
Custodian of Records**

<p><b>Records Relevant to Complaint:</b> Various <b>Request Made:</b> Various Dates <b>Response Made:</b> Various Dates <b>Custodian:</b> Robin Kline <b>GRC Complaint Filed:</b> Various Dates</p>
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**Background**

**December 20, 2007**

Transmittal from the GRC to the Office of Administrative Law (“OAL”) of the following cases for an adjudicatory hearing: Thomas Caggiano v. Borough of Stanhope (Sussex), GRC Complaint Nos. 2006-211, -219, 2007-24, -25, -26, -40, -43, -44, -45, -46, -47, -183, -184, -228, -229, -285.

**February 4, 2008**

Transmittal from the GRC to the OAL of Thomas Caggiano v. Borough of Stanhope (Sussex), GRC Complaint No. 2007-289 for an adjudicatory hearing.

**December 3, 2008**

Judgment of the Honorable Craig U. Dana, J.M.C., Joint Municipal Court of the Townships of Green, Fredon, Hampton and the Borough of Andover. Judge Dana issues a Judgment of Conviction for harassment and trespass violations prohibiting Thomas Caggiano from having any contact with any present or former employee or official of the Borough of Stanhope except that Mr. Caggiano may mail his tax and utility payments to the Borough and he may call 911 if he has an emergency.

**March 12, 2009**

Letter from the GRC to the Office of Administrative Law. The Executive Director requests the return of the following complaints to the GRC for dismissal: Thomas

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<sup>1</sup> No legal representation listed on record.

<sup>2</sup> Richard Stein, Esq. (Sparta, NJ).

Caggiano v. Borough of Stanhope (Sussex), GRC Complaint Nos. 2006-211, -219, 2007-24, -25, -26, -40, -43, -44, -45, -46, -47, -183, -184, -228, -229, and -285.

### **Analysis**

No analysis is required.

### **Conclusions and Recommendations**

The Executive Director respectfully recommends the Council find that the following cases should be dismissed based on Judge Dana's December 3, 2008 Judgment: Thomas Caggiano v. Borough of Stanhope, GRC Complaint Nos. GRC Complaint Nos. 2006-211, -219; 2007-24, -25, -26, -40, -43, -44, -45, -46, -47, -183, -184, -228, -229, -285, -289, 2008-105.

Prepared By: Karyn Gordon, Esq.  
In House Counsel

Approved By: Catherine Starghill, Esq.  
Executive Director

March 18, 2009



**State of New Jersey**  
**GOVERNMENT RECORDS COUNCIL**

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ROBIN BERG TABAKIN, Chair  
COMMISSIONER JOSEPH V. DORIA, JR.  
COMMISSIONER LUCILLE DAVY  
DAVID FLEISHER  
CATHERINE STARGHILL Esq., Executive Director

**INTERIM ORDER**

**June 25, 2008 Government Records Council Meeting**

Thomas Caggiano  
Complainant

Complaint No. 2008-105

v.

Borough of Stanhope (Sussex)  
Custodian of Record

At the June 25, 2008 public meeting, the Government Records Council (“Council”) considered the June 18, 2008 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that because of a conflict of interest, this matter be referred to the Office of Administrative Law for a hearing to resolve the facts and determine whether the custodian unlawfully denied access to the requested records, and if so, whether the denial was knowing and willful in violation of OPRA and unreasonable under the totality of the circumstances.

Interim Order Rendered by the  
Government Records Council  
On The 25<sup>th</sup> Day of June, 2008

Robin Berg Tabakin, Chairman  
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

David Fleisher, Secretary  
Government Records Council

**Decision Distribution Date: July 1, 2008**



**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director  
June 25, 2008 Council Meeting**

**Thomas Caggiano<sup>1</sup>  
Complainant**

**GRC Complaint No. 2008-105**

v.

**Borough of Stanhope (Sussex)<sup>2</sup>  
Custodian of Records**

**Records Relevant to Complaint:**

- 1) Examination of 2005-2007 bills for Richard Stein associated with the defense of the Borough of Stanhope/Land Use Board in a Superior Court suit brought by U.S. Minerals v. Area in Need of Development;
- 2) Examination of Report prepared for Land Use Board/Borough of Stanhope in 2005, 2006 and 2007;
- 3) Copy of P. David Zimmerman contracts to prepare reports listed at #2 above in 2005, 2006 and 2007;
- 4) Examination of newspaper announcements per Local Public Contracts Law to P. David Zimmerman and escrow sheet by Hovnanian Northeast to pay his services.

**Request Made:** May 5, 2008

**Response Made:** May 6, 2008

**Custodian:** Robin R. Kline, Municipal Clerk

**GRC Complaint Filed:** May 17, 2008

**Background**

Because of a conflict of interest,<sup>3</sup> this matter should be referred to the Office of Administrative Law for a hearing to resolve the facts of this case and any possible violations of OPRA arising therefrom.

**Conclusions and Recommendations**

The Executive Director respectfully recommends the Council find that because of a conflict of interest, this matter be referred to the Office of Administrative Law for a hearing to resolve the facts and determine whether the custodian unlawfully denied

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<sup>1</sup> No legal representation listed on record.

<sup>2</sup> No legal representation listed on record.

<sup>3</sup> On or about October 21, 2007, the Executive Director of the GRC, Catherine Starghill, filed a criminal harassment complaint against the Complainant in Mercer County Municipal Court. On or about October 29, 2007, the Government Records Council obtained a temporary civil restraining order against the Complainant in the Superior Court of New Jersey, Chancery Division.

access to the requested records, and if so, whether the denial was knowing and willful in violation of OPRA and unreasonable under the totality of the circumstances.

Prepared By:

Karyn Gordon, Esq.  
In House Counsel

Approved By:

Catherine Starghill, Esq.  
Executive Director

June 18, 2008